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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cox *et al.*

Appl. No. 09/942,919

Filed: August 31, 2001

For: **Endoluminal Prostheses and
Therapies for Highly Variable
Body Lumens**

Confirmation No. 9761

Art Unit: 3738

Examiner: To Be Assigned

Atty. Docket: 1737.1460008/LEA/DTJ

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application

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does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).

- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 5. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☒ 6. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/121,226, filed July 22, 1998, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



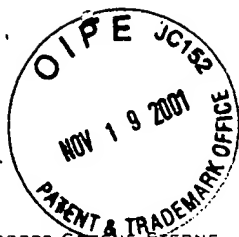
Dustin T. Johnson
Attorney for Applicant
Registration No. 47,684

Date: November 19, 2001

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AARON L. SCHWARTZ**

*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

November 19, 2001

WRITER'S DIRECT NUMBER:

(202) 312-7258

INTERNET ADDRESS:

DJOHNSON@SKGF.COM

Art Unit 3738

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Appl. No. 09/942,919; Filed: August 31, 2001
For: **Endoluminal Prostheses and Therapies for Highly
Variable Body Lumens**
Inventors: COX *et al.*
Our Ref: 1737.1460008/LEA/DTJ

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement (*in duplicate*);
2. Form PTO-1449 citing eighty-five (85) references (AA1-AT1, AA2-AP2, AA3-AP3, AA4-AP4, AA5-AO5, and AA6-AC6); and;
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

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Commissioner for Patents
November 19, 2001
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Dustin T. Johnson
Agent for Applicants
Registration No. 47,684

LEA/DTJ/nar
Enclosures

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FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
P513 DIV1 (1737.1460008/LEA/DTJ)APPLICATION NO.
09/942,919APPLICANT
Cox *et al.*FILING DATE
August 31, 2001GROUP
3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	3,945,052	03/1976	Liebig			
	AB1	4,130,904	12/1978	Whalen			
	AC1	4,503,569	03/1985	Dotter			
	AD1	4,512,338	04/1985	Balko <i>et al.</i>			
	AE1	4,550,447	11/1985	Seiler, Jr. <i>et al.</i>			
	AF1	4,647,416	03/1987	Seiler, Jr. <i>et al.</i>			
	AG1	4,718,907	01/1998	Karwoski <i>et al.</i>			
	AH1	4,728,328	03/1998	Hughes <i>et al.</i>			
	AI1	4,774,949	10/1988	Fogarty			
	AJ1	4,820,298	04/1989	Leveen <i>et al.</i>			
	AK1	4,957,508	09/1990	Kaneko <i>et al.</i>			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	0 357 003 A2	03/1990	EP			Yes No
	AM1	0 472 731 A1	03/1992	EP			Yes No
	AN1	0 506 918 B1	10/1992	EP			Yes No
	AO1	0 508 473 A2	10/1992	EP			Yes No
	AP1	0 551 179 A1	07/1993	EP			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	Chuter <i>et al.</i> , "Anatomy of the Infraarenal Aortic Aneurysm," <i>Endoluminal Vascular Prostheses</i> , pp. 21-36; Little Brown and Company; Boston (1995).
AS	1	Donayre <i>et al.</i> , "Patient Selection and Preoperative Assessment," <i>Endoluminal Vascular Prostheses</i> , pp. 255-283; Little Brown and Company; Boston (1995).
AT	1	World Medical Manufacturing Corporation Internet Web Page Information, downloaded August 4, 1997.

EXAMINER

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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August 31, 2001GROUP
3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILE NO	DATE
	AA2	5,019,090	05/1991	Pinchuk				
	AB2	5,035,706	07/1991	Giantureo <i>et al.</i>				
	AC2	5,064,435	11/1991	Porter				
	AD2	5,078,726	01/1992	Kreamer				
	AE2	5,122,154	06/1992	Rhodes	606	198		
	AF2	5,123,917	06/1992	Lee				
	AG2	5,151,105	09/1992	Kwan-Gett				
	AH2	5,163,958	11/1992	Pinchuk				
	AI2	5,211,658	05/1993	Clouse				
	AJ2	5,219,355	06/1993	Parodi <i>et al.</i>				
	AK2	5,226,913	07/1993	Pinchuk				

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	0 646 365 A1	04/1995	EP			Yes No
	AM2	0 684 022 A2	11/1995	EP			Yes No
	AN2	0 421 729 B1	01/1996	EP			Yes No
	AO2	0 689 805 A2	01/1996	EP			Yes No
	AP2	0 722 702 A1	07/1996	EP			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	
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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. P513 DIV1 (1737.1460008/LEA/DTJ)	APPLICATION NO. 09/942,919
	APPLICANT Cox <i>et al.</i>	
	FILING DATE August 31, 2001	GROUP 3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3	5,229,045	07/1993	Soldani			
	AB3	5,282,823	02/1994	Schwartz			
	AC3	5,282,824	02/1994	Giantureo			
	AD3	5,282,847	02/1994	Trescony <i>et al.</i>			
	AE3	5,316,023	05/1994	Palmaz <i>et al.</i>			
	AF3	5,330,500	07/1994	Song			
	AG3	5,366,504	11/1994	Andersen <i>et al.</i>			
	AH3	5,370,683	12/1994	Fontaine			
	AI3	5,387,621	02/1995	Soldani			
	AJ3	5,397,345	03/1995	Lazaurs			
	AK3	5,405,377	04/1995	Cragg			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	2 678 508	01/1993	FR			Yes No
	AM3	1457921 A1	02/1989	RU			Yes No
	AN3	WO 95/05132	02/1995	WIPO			Yes No
	AO3	WO 95/08966	04/1995	WIPO			Yes No
	AP3	WO 95/09586	04/1995	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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	FILING DATE August 31, 2001	GROUP 3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA4	5,425,765	06/1995	Tiefenbrun <i>et al.</i>			
	AB4	5,443,496	08/1995	Schwartz <i>et al.</i>			
	AC4	5,443,499	08/1995	Schmitt			
	AD4	5,456,713	10/1995	Chuter			
	AE4	5,476,506	12/1995	Lunn			
	AF4	5,507,767	04/1996	Maeda <i>et al.</i>			
	AG4	5,507,769	04/1996	Marin <i>et al.</i>			
	AH4	5,514,178	05/1996	Torchio			
	AI4	5,545,210	08/1996	Hess <i>et al.</i>			
	AJ4	5,545,220	08/1996	Andrews <i>et al.</i>			
	AK4	5,556,426	09/1996	Popadiuk <i>et al.</i>			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL4	WO 95/16406	06/1995	WIPO			Yes No
	AM4	WO 95/18585	07/1995	WIPO			Yes No
	AN4	WO 95/23563	09/1995	WIPO			Yes No
	AO4	WO 95/26695	10/1995	WIPO			Yes No
	AP4	WO 95/29646	11/1995	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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3738

U.S. PATENT DOCUMENTS

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	AA5	5,562,724	10/1996	Vorwerk et al.			
	AB5	5,609,627	03/1997	Goicoechea et al.			
	AC5	5,617,878	04/1997	Taheri			
	AD5	5,632,763	05/1997	Glastra			
	AE5	5,632,772	05/1997	Alcime et al.			
	AF5	5,653,743	08/1997	Martin			
	AG5	5,662,675	09/1997	Polanskyj-Stockert			
	AH5	5,676,697	10/1997	McDonald			
	AI5	5,733,325	03/1998	Robinson et al.			
	AJ5	5,843,166	12/1998	Lentz			
	AK5	5,851,232	12/1998	Lois			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL5	WO 95/34255	12/1995	WIPO			Yes No
	AM5	WO 96/00103	01/1996	WIPO			Yes No
	AN5	WO 96/03092 A1	02/1996	WIPO			Yes No
	AO5	WO 96/23455	08/1996	WIPO			Yes No
	AP5						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. P513 DIV1 (1737.1460008/LEA/DTJ)	APPLICATION NO. 09/942,919
	APPLICANT Cox <i>et al.</i>	
	FILING DATE August 31, 2001	GROUP 3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA6	6,165,212	02/2000	Dereume			
	AB6	6,168,619	01/2001	Dinh			
	AC6	6,214,040	04/2001	Jayaraman			
	AD6						
	AE6						
	AF6						
	AG6						
	AH6						
	AI6						
	AJ6						
	AK6						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL6						Yes No
	AM6						Yes No
	AN6						Yes No
	AO6						Yes No
	AP6						Yes No

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